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PROBATION AND JUVENILE COURTS

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Perhaps the most practical movement in penal reform is probation, putting a stop as it does to the source from which crime is recruited. The principle involved in probation is prevention and, where properly applied, has resulted in a very large diminution of crime. Massachusetts reports a falling off of 75 per cent in juvenile crime, owing to probation. Juvenile and first offenders should never be dealt with as real criminals under the law except in special cases of depravity. Penological science lays down general rules for the treatment of juveniles and first offenders, absolutely prohibiting imprisonment except for those convicted of flagrant crimes, as it breaks down self-respect, placing a stigma on character that is never removed. Its deterrent power is destroyed with its relief from care and comfortable support and it hurts the physical, mental and moral health of the prisoner. The main object in the sentence of the convicted juvenile or first offender should be his rescue from a criminal life; therefore a complete investigation should be made of his character, home and environment before trial. In Massachusetts the probation act requires a probation officer to inquire into the nature of every criminal case brought before the court, and he may recommend that any person committed by the court be placed on probation. The question for the court, upon the information of the probation officer, is to decide whether it is safe for society to allow the prisoner to go at large. It has become an established fact among the people of Massachusetts, after several years of trial, that in the administration of justice the probation system has been wise and beneficial.

The probation law enacted by the legislature of Illinois in 1899 declares the purpose of the law to be as follows: "This act shall be liberally construed to the purpose that its end may be carried out, to wit: that the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents; and in all cases where it can be properly done, the child be placed in an approved family home and become a member

of the family by legal adoption or otherwise." The Illinois juvenile court in its instructions to probation officers states that it will be the endeavor of the court to carry out both the letter and the spirit of the foregoing act, and to this end the court will have in mind the following considerations: *The Welfare and Interests of the Child*.—To save the child from neglect and cruelty and from the danger of becoming a criminal or dependent. *The Welfare of the Community*.—Lessening the burdens of taxation and loss of property through the ravages of the criminal class and by preventing pauperism and crime. *Temporary Care*.—The law forbidding the keeping of any child in a jail or station-house, a place of detention is provided under the care of the court. Whenever practicable the child is to be left with his parents or with some suitable family. *Supervision After Action of the Court*.—The probation officer is expected to keep a special oversight of the child by frequent visits at regular intervals and by reports from parents or custodians.

In Pennsylvania the law requires that the probation officer shall be notified when any juvenile offender is brought before the court, that he shall make such investigation as shall be directed by the court, be present to represent the interests of the child when the case is heard, furnish such information and assistance as the judge may require and take such charge of any child before or after trial as may be ordered.

Massachusetts, Rhode Island, Pennsylvania, Illinois, Indiana, Minnesota and New Jersey have state probation laws. San Francisco and Washington, D. C., have probation officers for the cities alone. New York has at last provided for probation and also for children's courts, but the plans are not yet completed.

Voluntary probation officers in many cases in the large cities assist the paid officer, and in Chicago, Philadelphia, Boston and New York the child-saving societies of all denominations have placed officers—appointed by them for this purpose—at the disposal of the court. Their services have always been accepted. In New Jersey the State Board of Children's Guardians greatly assists the county probation officers. Wise child-saving work can be done with this mutual co-operation.

In March, 1900, a bill prepared by Justice Franklin T. Fort, of the Supreme Court, was passed by the New Jersey legislature, providing for the appointment of probation officers and authorizing judges of the Courts of Quarter Sessions to appoint one probation

officer and, with the consent of the board of county freeholders, as many other probation officers, not exceeding three, one of whom may be a woman, as the judge deems wise. The classes of offenders who may be probated, *i. e.*, respecting age, etc., is left entirely to the discretion of the judge. Seven counties in New Jersey have probation officers—Hudson, Essex, Morris, Union, Middlesex, Mercer and Atlantic

In February, 1902 at my request, I was appointed, by the court, probation officer for Union county, New Jersey, to serve without salary, the court granting fifty dollars a month for a clerk and allowing necessary expenses—in all not to exceed eight hundred dollars annually. The following are the descriptive blanks and rules prepared by me and allowed by the court. In addition, case cards are kept in which all records in detail are entered. A synopsis of each case is also entered in a history book which is easily referred to by an index kept on the Dewey plan. Each probationer is visited by the probation officer or her clerk once a month and in special cases oftener. The probationer reports regularly at the office, either in person or by letter, at such times as directed.

UNION COUNTY PROBATION OFFICER.
RECORD.

No.

Name

Address

Age

Height

Weight

White or colored

Color of eyes

Hair

Complexion

Special marks

Religion

Church

School

Teacher

Nationality

Married or single

Number of children, names and ages

Occupation

Employer's name and address

Father's name and address

Occupation

Mother's name and address

Occupation

Other members of family

Previous offense

Present offense

Date committed to Probation Officer

Years expire

Fine, \$	Costs, \$
Re-arrested	
Cause of Re-arrest	
REMARKS:	Ledger number

UNION COUNTY COURT OF QUARTER SESSIONS.

RULES GOVERNING PROBATION.

THE PROBATIONER is required by the Court,

FIRST.—To furnish promptly, by letter or in person, such information as the Probation Officer may require.

SECOND.—To mail on the first of each month a letter, stating his present residence and occupation, place of employment and the name of his employer; also the number of days employed during the previous month, the place or places of employment and the names of his employers. If the Probationer is of school age, the number of days of school attendance must be given. The truth of these facts must be certified by parent, employer, school teacher or some other person satisfactory to the Probation Officer.

THIRD.—Evil companions and bad associations must be avoided. Strict temperance must be observed. The Probationer must in every way conduct himself as an upright and law-abiding citizen.

FOURTH.—To report promptly to the Probation Officer every change of residence. To consult the Probation Officer before moving out of the State of New Jersey or out of Union County.

FIFTH.—If the Probationer undertakes to pay fines or costs at stated periods these payments must be prompt. If unable to meet the obligation promptly he will send advance notice to the Probation Officer.

The probation period is three years. If during this period of trial the Probationer fails to observe strictly each of the above rules, he is liable to be taken into custody at any time by the Probation Officer to serve the full term of his suspended sentence. Liberty depends entirely on the good conduct of the Probationer.

During the three months that I have held this office twenty-six cases have been probated to me by the judge of the county court and forty-six by the police justices of the county. The ages of the probationers and the character of the charges made against them are as follows:

	Total number.	White.	Black.	Catholic.	Protestant.	Jew.	County Court.	Police Court.	Embezzlement.	Larceny.	Disorderly conduct.	Assault.	Malicious mischief.	Mischief.	Truancy.	Previous offenders.	Probated without trial.
Males over 16 yrs.	32	25	6	12	18	1	14	17	1	11	16	2	1	1	12	4	
Males under 16 yrs.	28	28	.	20	6	2	6	22	.	7	9	1	5	5	13		
Females over 16 yrs.	6	4	2	3	3	.	2	4	.	4	4	.	5	5	4		
Females under 16 yrs.	7	6	1	6	1	.	1	2	.	6	1	.	1	1	5	29	4
	72	63	9	41	28	3	23	45	1	24	30	3	8	1	5		

The secretary of the New Jersey State Charities Aid Association in his report says: "It is easier in Union than in most counties to learn whether such an officer is needed by the court, by the prisoner and by society, for the records of the Union County Jail are exceptionally complete. The Warden's report contains statistics on two most important points—the ages of the prisoners and the number of the commitments. These two points are most important because the probation system presumes that all persons who are inexperienced in crime, whatever their actual age, can be better treated under supervision outside of jail than in idleness within jail.

"The New Jersey law was made broad enough to include both children of 7 years and adults of 83, except where safety demands the prisoner's incarceration. From the Warden's report it appears that 591 persons were sent to the county jail last year for terms averaging twenty-nine days. Of this number only 181, or 30 per cent, had served previous sentences. The great majority, 70 per cent, or 410, had never been previously committed. Among these first commitments are found persons of every age from 7 to 70 excepting 52, 56, 58, 62 and 69, while the years 71, 77 and 83 have one representative each. Take what age we will, public sentiment would approve another chance outside of jail, for every first offender, provided the dignity of the law and the welfare of society would be in no way jeopardized by suspending sentence. Our probation law provides for failures to reform outside of jail and gives to the probation officer and the court power to inflict the

original but suspended sentence at any time within three years from the date of conviction. It is manifest that every successful case of probation nips in the bud a potential and probable career of crime."

The oversight of adult first offenders by a probation officer is of immense value in reforming the offender and also results in a great saving of expense to the taxpayer. The first is the primary object and probably I cannot do better than cite some cases which are under my care: J. E., aged 22, a bright Irishman, not intoxicated, in a quarrel which took place in a saloon, interfered and used too much strength in separating the combatants; charged with malicious assault, court would have committed him to county jail for six months had there been no probation officer. Probation officer returned the man to his home, helped him to secure employment, visited his accuser and warned him not to molest J. E. Young man's weekly calls to report have become friendly visits; he is always well dressed and is entirely self-respecting.

N. M.; American; aged 59; painter; married; offence—grand larceny; never arrested before; while drunk, stole mayor's horse and buggy from hitching-post on main street; man not an habitual drunkard, character good, provided comfortable home for his family, always industrious and kind. Had there been no probation officer N. M. would have been sent to state prison. He is now doing well and reporting regularly.

Two boys, 9 and 12 years, arrested on charge of disorderly conduct (threw a fish-head at an old woman); belonged to the "gang," had fairly good homes; did not attend school regularly; found upon investigation to be mischievous and truants only. Probation officer handed boys to truant officer, who immediately placed them in school. Boys report each week, come to office in Sunday clothes and evidently enjoy these visits. One lad has been employed on Saturdays, by probation officer's clerk, doing odd jobs and is very proud of this evidence of favor. There has been a great improvement in the whole family owing to pressure through this little fellow.

In cases of non-support which are always tried before police justices, probation has proved of inestimable value. The following is an example: Mr. B. drank occasionally, earned eighteen dollars a week and failed to support his family; was arrested and handed to the probation officer. After a thorough investigation, including conditions in the home, the man was ordered to request his em-

ployer to hand Mrs. B. ten and one-half dollars every week—one and one-half dollars for each of the five children and three dollars for Mr. B.'s own board. Besides this the man was required to pay the house rent, eight dollars a month. After the first month, at the request of the wife, he was allowed to give her the money himself. Each week the man reports the payment. Had Mr. B. been sent to jail, he would have lost his self-respect and his situation, he would have become an expense to the taxpayer and his family dependent on the charity of the community.

Three little Polish girls, aged 9, 10 and 11 years, arrested and indicted by the Grand Jury for grand larceny; on investigation found parents, who could not speak English, were not implicated; homes above the average. Children had stolen ribbons, lace and other articles for personal adornment, saying some had been presents; others were hidden between two old mattresses in a garret; parents terribly frightened when discoveries were made. Upon arrest of children and after bail had been secured, I began to take supervision of them; examined each one separately at my office; sent for priest, and arranged for daily instructions by the Sisters—little girls had been regular attendants at school. Later, without trial, they were probated to me by the court for an indefinite period.

The police magistrates of Hudson and Union counties avail themselves of the services of the probation officers and it is in these courts that good preventive work can be done by seeing the accused as soon as a charge is made and by investigating the case before trial, and also, in many instances, preventing the charge being entered by talking the matter over and promising to see the accused. In Elizabeth, the largest city of Union county, arrests and commitments have fallen off 40 per cent since the work of the probation officer has become known.

Three Italians appeared at my office, one to complain of two boys and the others the fathers of the boys. These men had come to ask me to take charge of the little fellows, who were mischievous and annoyed the complainant. All three were satisfied with my decision.

A Jew, who was in the habit of making charges of disorderly conduct against mischievous boys, after a talk with me, promised to bring no more children before the court until I had investigated each case for him. He had not realized the serious harm inflicted upon the boys' characters by their being brought into court.

At the end of an hour he was fully convinced. The railway detectives also report cases to me before making charges and abide by my decisions.

There is great danger of perfunctory work on the part of the probation officer and very grave danger from the uneducated officer. Public opinion has still to be aroused; therefore the need of the best work along these lines. Where good work has been done, the public has recognized that the practice of inflicting short terms of imprisonment for minor offences is useless and harmful. The need of men and women of sound judgment and high character for this work is great, and in the development of the system it is hoped that many specialists will devote some time to the installation of the work and help to bring about the proper administration of the law.

Boston was the first city to set apart special hours for the trial of juvenile offenders, and the excellent way in which these trials are managed is an object lesson worth studying. Persons not connected with the trial are required to leave the court room, the officer who made the arrest tells his story, the complainant his, and the witnesses are examined. The child is called to the judge's desk and tells his story in a quiet voice. Confidential relations are at once established between the child and the judge. The probation officer then makes his report upon the case, after which the judge announces his decision.

The same methods are employed in Chicago, Philadelphia and Minneapolis and will be in New York. In Chicago, a judge has been appointed who only tries children's cases; in New York, a judge is to be chosen from time to time. The value of this way of conducting juvenile trials cannot be overestimated, as it robs the trial of all the sensational element. It also makes it easy for the various child-saving societies, such as the St. Vincent de Paul, Children's Aid and Prevention of Cruelty to Children and for truant officers to co-operate with the court.

The following is a pen-picture of a trial held before the court in which I am probation officer: Court room crowded, twenty-two lawyers present; prosecutor reads the indictment. Boy eleven years old arrested for stealing brass worth eighty dollars, from railroad, and selling it to a junk man for twenty cents; had been bailed by kind neighbor, who delivered the boy. Court officer calls witnesses; boy brought; so small that his eyes are just on a line with the

rail; boy weeping; prosecutor exclaims, and says boy should be in day-nursery; audience in back of room rises and presses forward to look at boy; lawyers inside of rail jump to their feet; court raps for order; boy realizes that he has become an object of pity and curiosity, cries louder and calls for his mother, who comes forward with a baby in her arms; judge and prosecutor confer, boy is handed over to probation officer to be produced to stand trial when called, virtually ending the matter.